

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVE ELLIS KARACSON,

Petitioner,

Case No. 20-cv-13100

Hon. Matthew F. Leitman

v.

DAVID SHAVER,

Respondent.

**ORDER DENYING PETITIONER’S MOTION TO AMEND
PETITION FOR WRIT OF HABEAS CORPUS (ECF No. 30)**

In this action, Petitioner Steve Ellis Karacson seeks a writ of habeas corpus. (See Pet., ECF No. 1; Am. Pet., ECF No. 7.) This action has been pending for several years and has a lengthy procedural history. That history is set forth in detail in an order scheduling oral argument that the Court has entered today. (See Order, ECF No. 36.) Now before the Court is Karacson’s motion to amend his habeas petition. (See Mot., ECF No. 30.) That motion is **DENIED**.

The decision to grant or deny a motion to amend a habeas petition is within the discretion of the district court. *See Clemmons v. Delo*, 177 F.3d 680, 686 (8th Cir. 1999) (citing Fed.R.Civ.P. 15). And while leave to amend should be freely granted, *see id.*, leave is properly denied where a petitioner attempts to inject “new issue[s]” at a “late stage” in the proceedings. *Id.* That is the case here. Respondent

has already filed a full response to Karacson's petition, the Court has carefully reviewed the petition, response, and state-court record, and the Court is prepared to rule promptly on the claim in the petition after conducting oral argument on October 11, 2024. Moreover, Karacson has not offered any reasonable explanation for his delay in seeking to amend. Under these circumstances, leave to amend is properly denied.

Leave to amend is also properly denied because Karacson has failed to show that he has exhausted his state remedies with respect to any of the new claims that he proposes to add. And Karacson can no longer exhaust those remedies in state court because he has already filed one motion for relief from judgment, and no state remedy remains available. *See* Mich. Ct. R. 6.502(G)(1). *See also Gadomski v. Renico*, 258 F. App'x 781, 783 (6th Cir. 2007). Under these circumstances, Karacson's proposed amendments would be futile, and leave to amend is properly denied for that independent reason as well.

For all of these reasons, Karacson's motion for leave to amend his habeas petition (ECF No. 30) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 16, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 16, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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